



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,247	03/10/2004	John MacDonald	TRM A2596DIV2	5381

32047 7590 03/04/2009  
GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC  
55 SOUTH COMMERCIAL STREET  
MANCHESTER, NH 03101

EXAMINER
----------

MIGGINS, MICHAEL C

ART UNIT	PAPER NUMBER
----------	--------------

1794

MAIL DATE	DELIVERY MODE
-----------	---------------

03/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/797,247	<b>Applicant(s)</b> MACDONALD ET AL.	
	<b>Examiner</b> Michael C. Miggins	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/18/09.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-34 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-34 and 36-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/28/09 has been entered.

## **REJECTIONS WITHDRAWN**

2. All of the rejections set forth in the final rejection of 11/18/09, pages 2-5, paragraphs 3-7 have been withdrawn.

## **REJECTIONS REPEATED**

3. There are no rejections repeated.

## **NEW REJECTIONS**

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1794

5. Claims 28-31 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Enami et al. (EP 0 950 490 A1, supplied herein).

The limitations “formed by double-cast slush molding”, “a dry particle which has been melted” are method limitations in a product claim. The method limitations add no structure to the product claim and is therefore not germane to the patentability of the product in a product claim and has been given little patentable weight (MPEP 2113).

Enami discloses a thin shell for an automotive interior trim panel (abstract), said shell having an outer layer (paragraphs [0009] – [0010]) and an inner layer (paragraphs [0009] – [0010]), the shell comprising an outer layer including an inner surface comprising a first polymer material (paragraphs [0009] – [0010]) having a thickness of 0.24 inches (paragraphs [0072] – [0075]), an inner layer comprising a second polymer material, the second polymer material further comprising a mixture of two or more different polymer formulations (paragraphs [0009] – [0010]), and the inner layer at least partially covering the inner surface of the outer layer and concealed from view (since the innermost layer will not be seen through foam Figs. 2-3, paragraphs [0009] – [0015]) and wherein said formulations differ with respect to the polymer component of said polymer formulations (paragraphs [0009] – [0010]), wherein said shell has a sufficient tensile load elastic limit to be removed from a mold without deformation (paragraphs [0072] - [0075]), wherein the polymer formulations comprise additives which can be pigments and wherein the additives differ in each polymer formulation (paragraphs [0009] – [0010] and [0046] – [0049]) (applies to instant claims 28-31 and 37).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 31, 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enami et al. (EP 0 950 490 A1, supplied herein) in view of Konda (US 6340531).

The limitations “formed by double-cast slush molding”, “a dry particle which has been melted” are method limitations in a product claim. The method limitations add no structure to the product claim and is therefore not germane to the patentability of the product in a product claim and has been given little patentable weight (MPEP 2113).

Enami discloses a thin shell for an automotive interior trim panel (abstract), said shell having an outer layer (paragraphs [0009] – [0010]) and an inner layer (paragraphs [0009] – [0010]), the shell comprising an outer layer including an inner surface comprising a first polymer material (paragraphs [0009] – [0010]) having a thickness of 0.24 inches (paragraphs [0072] – [0075]), an inner layer comprising a second polymer material, and the inner layer at least partially covering the inner surface of the outer layer and concealed from view (since the innermost layer will not be seen through foam Figs. 2-3, paragraphs [0009] – [0015]) and wherein said formulations differ with respect to the polymer component of said polymer formulations (paragraphs [0009] – [0010]), wherein said shell has a sufficient tensile load elastic limit to be removed from a mold without deformation (paragraphs [0072] - [0075]).

Art Unit: 1794

Enami fails to disclose that the second material is from recycled material.

Konda discloses recycled materials used in the interior trim for automobiles for the purpose of providing trim which is eco-friendly (column 1, lines 8-21).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided recycled material in Enami in order to provide trim which is eco-friendly as taught or suggested by Konda.

8. Claims 32-34 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enami et al. (EP 0 950 490 A1, supplied herein) in view of Gardner, Jr. (US 6013210).

The limitations "formed by double-cast slush molding", "a dry particle which has been melted" are method limitations in a product claim. The method limitations add no structure to the product claim and is therefore not germane to the patentability of the product in a product claim and has been given little patentable weight (MPEP 2113).

Enami discloses a thin shell for an automotive interior trim panel (abstract), said shell having an outer layer (paragraphs [0009] – [0010]) and an inner layer (paragraphs [0009] – [0010]), the shell comprising an outer layer including an inner surface comprising a first polymer material (paragraphs [0009] – [0010]) having a thickness of 0.24 inches (paragraphs [0072] – [0075]), an inner layer comprising a second polymer material, and the inner layer at least partially covering the inner surface of the outer layer and concealed from view (since the innermost layer will not be seen through foam Figs. 2-3, paragraphs [0009] – [0015]) and wherein said formulations differ with respect

Art Unit: 1794

to the polymer component of said polymer formulations (paragraphs [0009] – [0010]), wherein said shell has a sufficient tensile load elastic limit to be removed from a mold without deformation (paragraphs [0072] - [0075]).

Enami fails to disclose wherein the second polymer material further comprising a polymer formulation which is more susceptible to ultraviolet radiation.

Gardner discloses wherein the second polymer material further comprising a polymer formulation which is more susceptible to ultraviolet radiation (column 13, lines 22-30, column 14, lines 62-67, the UV stabilizers can be included or not included in each layer 26 and/or 28, UV stabilizers are not present in layer 30, column 15, line 59 through column 16, line 10) in interior trim for an automobile for the purpose of providing low cost leather-like trim (column 2, lines 15-22).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided wherein the second polymer material further comprising a polymer formulation which is more susceptible to ultraviolet radiation in Enami in order to provide an interior trim for an automobile for the purpose of providing low cost leather-like trim as taught or suggested by Gardner.

### **ANSWERS TO APPLICANT'S ARGUMENTS**

9. Applicant's arguments of 2/18/09 have been considered but are moot in view of the new grounds for rejection set forth above.

### ***Conclusion***

Art Unit: 1794

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C. Miggins/  
Primary Examiner, Art Unit 1794

MCM  
March 2, 2009